PROVINCE OF SASKATCHEWAN

MINISTRY OF
JUSTICE AND ATTORNEY
GENERAL

07-08

ANNUAL REPORT

PUBLIC AND PRIVATE RIGHTS BOARD

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Letter of Transmittal

March 13, 2008

The Honourable Brad Wall
President of Executive Council

Dear Mr. Premier:

As per subsection 6(3) of *The Expropriation Procedure Act*, I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period January 1, 2007 to December 31, 2007.

Respectfully submitted,

K. W. Acton
Chairman

Staff

The staff of the Public and Private Rights Board are:

K. W. Acton, Chairman

Verna LeBlanc, Administrative Assistant

Message from the Chairman

Under *The Expropriation Procedure Act*, the Public and Private Rights Board has the authority to review matters relating to the expropriation of land or the intention to acquire land by expropriating authorities. The Board investigates claims and manages negotiations between landowners and expropriating authorities in an effort to help the parties reach mutually acceptable solutions.

Landowners may request the Board to review either or both:

a. The route, situation or design of a public improvement;

b. The amount of compensation offered for the expropriated land.

The primary role of the Public and Private Rights Board is dispute resolution. The Board assists landowners and expropriating authorities in reaching agreement on the most appropriate route or design of a public improvement and/or what fair and reasonable compensation should be paid for the required land or easement.

> *"The primary purpose of compensation is to place the owner whose land has been taken in the same position financially as he was prior to the taking. On the one hand, the owner should not receive a windfall or unjust enrichment as a result of the taking. On the other hand, the owner should not be required to shoulder an economic loss for the general public benefit which is achieved as a result of the taking."*
>
> (Expropriation in Canada – A Practitioner's Guide, by Kenneth J. Boyd, Canada Law Book Inc., Aurora, Ontario, 1988, p.27.)

The Board is pleased to report excellent co-operation from the various expropriating authorities. These authorities remain willing to meet with landowners, share information, review plans and explore alternatives. This co-operative approach allows the Board to assist a number of landowners each year without creating a file or conducting a formal meeting. In these situations, the Board's role is one of providing information about the expropriation process, acting as a sounding board to assist the landowner identify issues and concerns, and helping the landowner make contact with the appropriate official within the expropriating authority.

Over the past two years, the Board has worked with landowners and expropriating authorities in situations where the landowner's home or yard site is directly affected by a public improvement. These situations have generally arisen as a result of the twinning of a highway.

A project that requires a landowner to vacate a home, have a home relocated or make an alteration to the yard site can result in the landowner experiencing significant stress or anxiety. Reaching agreement on fair and reasonable compensation is further complicated in times when the economy is growing, real estate values are rising and there is pressure for public improvements to be completed as quickly as possible.

Over the coming months, the Board will work with the Ministry of Highways and other expropriating authorities to review the current process in an effort to identify process changes that would minimize the stress and anxiety for landowners in these situations.

Tables

a. Number and Nature of Claims Received, Negotiated, Completed, Withdrawn and Carried Forward by the Board in 2007

i. Number and Nature of Claims Negotiated in 2007

(A) Carried forward from 2006:		
	i) Route, Situation or Design	1
	ii) Compensation	1
	Subtotal	2
(B) New claims received in 2007:		
	i) Route, Situation or Design	3
	ii) Compensation	3
	iii) Claims withdrawn in 2007	0
	Subtotal	6

ii. Number and Nature of Claims Completed in 2007

	i) Route, Situation or Design	3
	ii) Compensation	2
	Total	**5**

iii. Number and Nature of Claims Carried Forward into 2008

	i) Route, Situation or Design	1
	ii) Compensation	2
	Total	**3**

b. **Number and Nature of Claims Received by the Board in 2007 (by Expropriating Authority)**

Expropriating Authority	Route, Situation or Design	Compensation	Total
SaskTel	2	0	2
SaskPower	0	0	0
Highways	0	3	3
Miscellaneous	1	0	1

c. **Number and Nature of Claims Initiated with the Board in 2007 (by Expropriating Authority)**

Expropriating Authority	Route, Situation or Design	Compensation	Total
SaskTel	2	0	2
SaskPower	0	0	0
Highways	0	3	3
Miscellaneous	1	0	1

d. **Resolution of Claims Initiated with the Board in 2007 (by Expropriating Authority)**

Expropriating Authority	Negotiated Successfully	Negotiated Unsuccessfully	Withdrawn	Total
SaskTel	2	0	0	2
SaskPower	0	0	0	0
Highways	1	1	0	2
Miscellaneous	1	0	0	1

e. Number and Nature of Claims Received by the Board (1997 - 2007)

Year	Route, Situation or Design	Compensation	Total
1997	2	4	6
1998	3	6	9
1999	0	2	2
2000	3	3	6
2001	2	2	4
2002	8	3	11
2003	1	2	3
2004	2	0	2
2005	0	5	5
2006	1	2	3
2007	3	3	6

f. Number of Claims Received by the Board by Expropriating Authority (1997 - 2007)

Year	Conservation & Development Area Authorities	SaskTel	SaskPower	SaskEnergy	Sask Highways	Misc.
1997	0	2	3	0	0	1
1998	0	4	2	0	1	2
1999	0	1	0	0	0	1
2000	0	4	0	0	2	0
2001	0	1	0	0	1	2
2002	2	1	0	0	7	1
2003	0	0	1	0	1	1
2004	0	1	0	0	0	1
2005	0	1	1	0	3	0
2006	0	0	0	1	1	1
2007	0	2	0	0	3	1